

REMARKS/ARGUMENTS

Claims 1, 2, 4-19, 22, 23 and 31-33 are pending in this application. By this Amendment, claim 22 is amended for dependency and claim 21 is canceled without prejudice or disclaimer. These amendments are made to obviate the objection to the drawings and the rejection of claims 21 and 22 under 35 U.S.C. § 112, first paragraph, and to place the application in condition for Appeal. The arguments set forth herein with respect to the rejections over art are consistent with the arguments previously set forth. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration; (3) satisfy a requirement of form asserted in the previous Office Action; and (4) place the application in better form for appeal. Entry is thus requested.

I. Objection to the Drawings

The Office Action objects to the drawings under 37 C.F.R. § 1.83(a), stating that the subject matter of claim 21 is not shown in the drawings. Claim 21 is canceled, and thus the objection is moot.

II. Rejection Under 35 U.S.C. § 112, First Paragraph

The Office Action rejects claims 21 and 22 under 35 U.S.C. § 112, first paragraph, as allegedly failing to reply with the written description requirement. Claim 21 is canceled and thus, the rejection insofar as it applies to claim 21, is moot. Further, claim 22 has been amended to depend from claim 19. Based on previous discussions with the Examiner, as well as the remarks in the Office Action, it is understood that the only reason for rejection of claim 22 under 35 U.S.C. §112, first paragraph, was its dependency from rejected claim 21. Thus, it is respectfully submitted that the rejection of claim 22 under 35 U.S.C. § 112, first paragraph, should be withdrawn.

III. Rejections Under 35 U.S.C. § 103(a)

The Office Action rejects claims 1, 2, 4, 11-14, 18, 23 and 31-33 under 35 U.S.C. §103(a) over U.S. Patent No. 6,002,394 to Schein et al. (hereinafter “Schein”) in view of U.S. Patent No. 6,473,778 to Gibbon, and further in view of U.S. Patent No. 6,901,367 to Berstis et al. (hereinafter “Berstis”). The rejection is respectfully traversed.

Independent claim 1 recites a control unit configured to receive closed caption character information in a first language, to send the closed caption character information to a translation site through a network interface based on contact information associated with a plurality of translation sites stored in a storing unit if it is determined that the first language does not correspond to a selected language, and to receive the translated closed caption character information corresponding to the selected language, and a video processing unit configured to receive the translated closed caption character information and to display the translated closed

caption character information on a screen substantially in synch with corresponding audio information. Independent claim 12 recites similar features in varying scope. Independent claim 18 recites receiving closed caption character information in a first language and contacting an appropriate translation site through a network interface if it is determined that the first language associated with the closed caption character information does not correspond to a selected language, comprising selecting and contacting the appropriate translation site based on the selected language and previously stored contact information related to a plurality of translation sites, requesting translation of the closed caption character information from the first language to the selected language by transmitting the closed caption character information to the appropriate translation site, and receiving closed caption character information which has been translated into the selected language from the translation site, and displaying the translated closed caption character information on a screen substantially in synch with corresponding audio information. Independent claim 23 recites similar features in varying scope. Schein neither discloses nor suggests at least such features, or the respective claimed combinations of features. Further, Gibbon and Berstis, either alone or in combination, fail to overcome the deficiencies of Schein.

Schein discloses an internet enabled TV which can search an electronic programming guide (EPG) held by a remote database, network, or online service, and allow a user to link to related advertisers and broadcasters through the EPG. Schein neither discloses nor suggests a control unit which can communicate with a translation site if a first language does not correspond to a selected language, nor a storing unit in which contact information related to a plurality of translation sites is stored, nor a video processing unit which can receive translated

closed caption character information and display it substantially in synch with corresponding audio information, as recited in independent claims 1 and 12, nor the corresponding method steps recited in independent claims 18 and 23.

The Office Action refers to column 24, lines 14-16 of Schein in support of the assertion that the ability to order a transcript of a video program is commensurate to obtaining closed caption character information. However, this portion of Schein's disclosure is specifically directed at the system's ability to provide links to various other, related advertisers so as to purchase related goods and services. Schein provides an example of this, in which a user viewing a football game may be linked to a site to purchase team related paraphernalia, view clips from other games, or order a tape or transcript of the program shown on the guide (see column 24, lines 1-14 of Schein). However, this tape is simply a video reproduction of a particular program, and the transcript of the program is simply a written, hard copy reproduction of the voice component, or script, associated with the video. Such a transcription is not displayed on the screen, let alone in synch with corresponding audio information, and thus is not comparable to the recited closed caption character information, nor does Schein disclose or suggest that this transcribed voice component goes through any sort of translation steps prior to its composition. Thus, Schein neither discloses nor suggests at least a control unit, a storing unit, and video processing unit as recited in independent claims 1 and 12, nor the corresponding method steps recited in independent claims 18 and 23.

Gibbon discloses a system for creating hypermedia documents which allow television programs to be formatted for web broadcast. Gibbons discloses a means by which closed

caption text is extracted from a TV program and aligned with an actual transcript associated with a video application to produce an improved, frame referenced transcript. This frame referenced transcript, which reflects a combination of closed caption text and the actual transcript, may be then linked to a video component to produce a hypermedia document for web posting. However, it is the aligned text in the same language in which it was received, and not translated closed captioned text, which is displayed. Gibbon neither discloses nor suggests that closed caption character information is translated, let alone that contact information for a plurality of translation sites is stored in any type of storing unit, nor that such translated closed caption character information is displayed substantially in synch with corresponding audio information, as recited in independent claims 1, 12, 18 and 23.

Further, there would have been no motivation to modify Schein's system to incorporate the features disclosed by Gibbon. That is, the transcript disclosed by Schein is simply a written version of the text or script associated with a particular broadcast which is made available for purchase by a user of Schein's television system, and which is received by the user well after the corresponding television program has been broadcast. There would be no resultant benefit in combining the two systems, as the written transcript available for purchase using Schein's system does not require the alignment taught by Gibbon, nor does Schein disclose or suggest that his television system includes any capability to produce hypermedia documents, nor that it would be useful or advantageous to do so.

Berstis discloses a data processing system 10, including a CPU 12 connected to several peripheral devices 14, 16, 18 by a bus 20 or direct channel 22. The system 10 may be loaded

with a language translation package which provides internal translation capability of a limited number of incoming and outgoing languages (see column 4, lines 55-58 of Berstis), or may communicate with a single Alta Vista web site to request a translation from the listing of languages provided by that site, if so equipped. Berstis discloses in Figure 2 an email engine GUI 214, with a translation service 212 included in a list of user options 210 which allows incoming email messages to be translated into the user's language. To initialize the translation service 212, the user selects a home language 219A from a list 219B dictated by the capability of the embedded software/selections on the single website, and languages from which incoming messages may be translated from a second language list 220B also limited by the capability of the embedded software/website.

The text translated by Berstis' system is displayed on the user's monitor along with text in the original language. However, this translated text is simply email correspondence, and is not closed caption character information, let alone closed caption character information which is displayed substantially in synch with corresponding audio information. Further, Berstis' system automatically goes to its embedded software, if so configured, or to a single website for translation of this email text, and translation capability is limited by either the languages included in the embedded software or the languages provided on that single website. Berstis neither discloses nor suggests at least a control unit, a storing unit which stores contact information for a plurality of translation sites, and a video processing unit as recited in independent claims 1 and 12, nor the corresponding method steps recited in independent claims 18 and 23.

Further, it is respectfully submitted that there would have been no motivation to combine the systems disclosed by Schein, Gibbon and Berstis. More specifically, as set forth above, Schein's simply discloses a television system which can use an EPG to link to sites related to a particular broadcast. There would have been no motivation to modify Schein's system to incorporate the means for creating a hypermedia document as disclosed by Gibbon, which would provide no advantage, and would unnecessarily complicate the system as disclosed by Schein. Further, neither Schein nor Gibbon disclose or suggest that their systems would benefit from any type of translation capability, nor that their systems could or should be modified in any way to incorporate such a capability.

Still further, the email translation system disclosed by Berstis is specifically directed at email applications, which are relatively non-time sensitive when compared to a television broadcast, in which closed caption character information, and therefore, translated closed caption character information, should be displayed substantially in synch with its corresponding audio and video components if the combination thereof is to ultimately make sense and the translation be of value to the viewer. Berstis neither discloses nor suggests that his email translation system could or should be modified to include the capability to translate closed caption text associated with a television broadcast, nor the capability to display the translated closed caption text in synch with corresponding audio information. Rather, it is respectfully submitted that the Examiner's piecemeal reconstruction of the features recited in independent claims 1, 12, 18 and 23 through the combination of the Schein, Gibbon and Berstis references relies on the use of impermissible hindsight gleaned from Applicant's own disclosure.

For at least these reasons, it is respectfully submitted that independent claims 1, 12, 18 and 23 are allowable over the applied combination, and thus the rejection of independent claims 1, 12, 18 and 23 under 35 U.S.C. §103(a) over Schein, Gibbon and Berstis should be withdrawn. Dependent claims 2, 4, 11, 13, 14, and 31-33 are allowable at least for the reasons set forth above with respect to independent claims 1, 12, 18 and 23, from which they respectively depend, as well as for their added features.

The Office Action rejects claims 5-10, 15-17 and 19 under 35 U.S.C. §103(a) over Schein, Gibbon and Berstis in view of U.S. Patent No. 5,918,013 to Mighdoll et al. (hereinafter "Mighdoll"). The rejection is respectfully traversed.

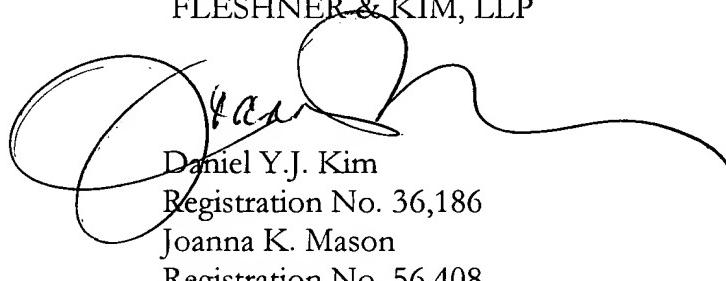
Dependent claims 5-10, 15-17 and 19 are allowable over Schein, Gibbon and Berstis at least for the reasons set forth above with respect to independent claims 1, 12 and 18, from which they respectively depend, as well as for their added features. Further, Mighdoll is merely cited as allegedly teaching a translation relay site server, and thus fails to overcome the deficiencies of Schein, Gibbon and Berstis. Further, it is respectfully submitted that the Examiner's piecemeal reconstruction of the recited features through the combination of the Schein, Gibbon, Berstis and Mighdoll references relies on the use of impermissible hindsight gleaned from Applicant's own disclosure. Accordingly, it is respectfully submitted that claims 5-10, 15-17 and 19 are allowable over the applied combination, and thus the rejection of claims 5-10, 15-17 and 19 under 35 U.S.C. §103(a) over Schein, Gibbon, Berstis and Mighdoll should be withdrawn.

IV. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **JOANNA K. MASON**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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